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October 21, 2009

TO: Members of the Senate Ethics Reform and Government Operations Committee

FROM: Mike McCabe  
Director, Wisconsin Democracy Campaign

SUBJECT: Senate Bill 236, regarding electronic filing of campaign finance reports

FYI.... Attached is testimony the Democracy Campaign gave at an informational hearing on the performance of the Campaign Finance Information System (CFIS) in September.

Also attached is a report issued since that Assembly hearing showing further problems with CFIS.





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## **NEWS**

**For immediate release  
October 15, 2009**

**For more information:  
Mike McCabe**

### **14 Big Donors Exceeded Contribution Limit In 2008** *Three payday lenders among those who gave more than \$10,000*

**Madison** – Three payday lenders and a veteran lobbyist were among 14 individuals who exceeded the \$10,000 annual limit on total contributions to state and local candidates and political committees in 2008, a Wisconsin Democracy Campaign review shows.

The Democracy Campaign's findings are based on state campaign finance reports filed by legislative, judicial and statewide candidates and political parties that detail their campaign contributions and spending. The contributors who exceeded the \$10,000 limit doled out between \$10,050 and \$18,125, the records showed (**Table 1**).

The Democracy Campaign compared its findings to contribution tallies produced for these contributors by the state's new electronic reporting system – the Campaign Finance Information System – and found the state system failed to identify five contributions worth \$2,350 made by four of the contributors. WDC's database results were verified by double checking the reports filed by the candidates and committees.

Herzing University executive Stacey Herzing of Milwaukee contributed \$18,125 in 2008. Her contributions included two \$5,000 contributions to Wisconsin Supreme Court Chief Justice Shirley Abrahamson and a \$5,000 contribution to former Justice Louis Butler's campaign.

Following Herzing was Robert Wolfberg, the Glencoe, Illinois co-owner of PLS Financial Services which operates a chain of more than 300 PL\$ Check Cashers stores in nine states, who contributed \$15,775 to 29 candidates and committees. He gave \$8,725 to 20 Republican candidates and \$7,050 to nine Democratic candidates and committees including \$1,300 to Governor Jim Doyle.

Daniel Wolfberg of Winnetka, Illinois and PLS Financial's other co-owner, also exceeded the contribution limit by doling out \$10,500. Daniel Wolfberg contributed \$5,750 to eight Democratic candidates and committees and \$4,750 to 11 Republican candidates.

The tally of Robert Wolfberg's contributions by the state's electronic reporting system totaled only \$15,275, as opposed to \$15,775 found by the Democracy Campaign. A check of the candidates'

campaign finance reports found the state's system failed to include a \$500 contribution Wolfberg made August 20 to Representative Dean Kaufert.

Former state senator and veteran Madison lobbyist Gary Goyke contributed \$14,074 to more than three dozen mostly Democratic candidates and committees including \$1,755 to the Assembly Democratic Campaign Committee. This is one of the four legislative leadership committees used by Assembly and Senate Democratic and Republican leaders to raise large amounts of special interest contributions to pay for election year campaign activities.

The state's reporting system tallied one Goyke contribution twice – a \$422 donation on August 19 to state Senator Spencer Coggs – and failed to identify three contributions totaling \$1,400 Goyke made to two legislative leadership committees last July and October.

Kevin Dabney of Waukesha, president of the Speedy Loan payday lending chain, contributed \$14,000, including nine \$1,000 contributions to five Republican Senate candidates and four Democratic Senate candidates.

Two well-known Wisconsin philanthropists also exceeded the 2008 individual contribution limit, according to campaign records. Lynde Uihlein of Milwaukee, a longtime supporter of women's causes and Democratic candidates, contributed \$11,950, including \$7,500 to Butler. Jerry Frautschi of Madison, who is best known for his \$200 million gift to build the Overture Center for the Arts, contributed \$11,500 including \$10,000 to Doyle.

State law allows the Government Accountability Board to fine those who violate the \$10,000 contribution limit \$500 plus triple the amount by which the limit was exceeded.

The number of contributors who have violated the annual limit in the past is all over the board, ranging from lows of one in 2004 and two in 2007 to highs of 27 in 2006 and 39 in 2002.

## **Testimony of the Wisconsin Democracy Campaign on the Campaign Finance Information System (CFIS)**

**Assembly Committee on Elections and Campaign Reform**

**September 1, 2009**

We have as much experience using the state's online Campaign Finance Information System as anyone. One of the members of our staff uses it every day, another uses it nearly every day and two others use it regularly.

For the better part of a year now, everyone has been told that CFIS is a work in progress and wrinkles are being ironed out and its performance is improving. But the truth is the system still is a mess. It is an elaborate and overly complex system weighted down with bells and whistles. To accommodate all its features, functionality and useability have been sacrificed. We have heard from a large number of candidates, campaign treasurers and representatives of political committees that CFIS is exceedingly difficult to use.

Electronic filing of campaign finance reports is supposed to make it easier for citizens to gain access to these public records. We can say from personal experience that it is now harder and more time consuming for citizens to gain access to public records pertaining to how campaigns are financed than it was under the old system. Attached to this testimony are two reports the Democracy Campaign issued in June illustrating the delays in access to records experienced under CFIS.

Even more troubling is the fact that the data on the system cannot be completely trusted. Attached to our testimony are two more reports – one issued in February and the other in March – documenting erroneous information posted for public consumption on CFIS. Among our findings are hundreds of thousands of dollars worth of mislabeled or wrongly reported campaign contributions and expenses, as well as incorrect spending, fundraising and cash balance figures. We know of these inaccuracies because we cross-checked the data posted on CFIS against paper reports and other records from the campaign committees.

Disturbingly, some of the inaccurate information we called attention to in our February report still has not been corrected seven months later. And these are not small errors that remain uncorrected. They involve more than \$178,000 in contributions and nearly \$125,000 in campaign expenses. Likewise, several inaccuracies we pointed out six months ago in our March report still have not been corrected. Among these are a discrepancy of nearly \$1 million in Governor Jim Doyle's fundraising in 2008 and incorrect fundraising and spending figures for the first half of 2006 for Attorney General J.B. Van Hollen. In the attorney general's case corrections were made to the July 2006 report posted on CFIS after our report was issued, but the amended information still doesn't square with the correct report that is still posted on the old electronic reporting system.



*Pushing Democracy Since 1995*

Posted: June 22, 2009

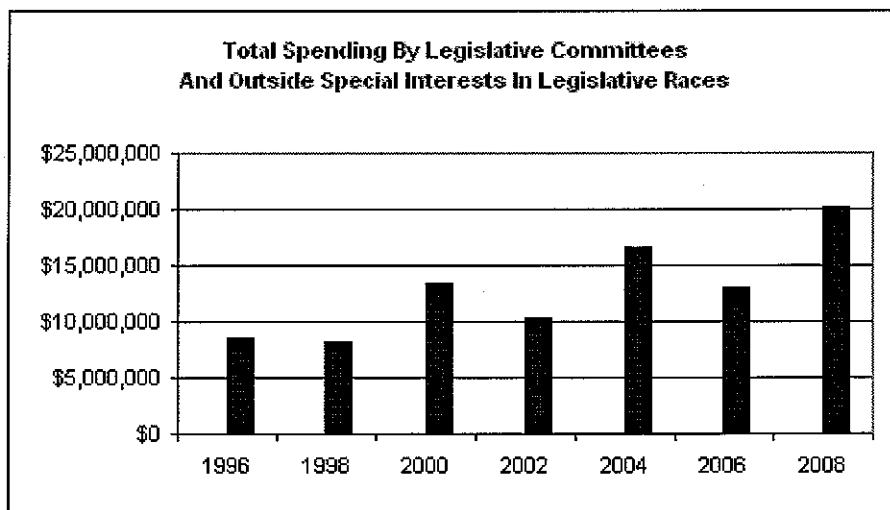
## Legislative Races Cost Record \$20 Million In '08

*Complete 2008 campaign records for 18 candidates still unavailable*

**Madison** - Legislative candidates and special interest groups that sponsored mostly smear ads and mailings spent a record \$20.2 million in last November's elections, according to a Wisconsin Democracy Campaign review.

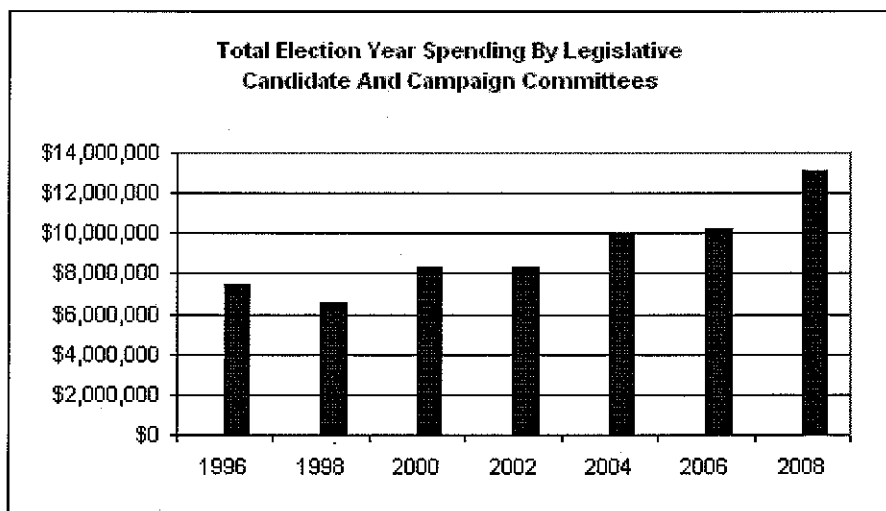
Total spending by legislative committees and electioneering special interests in legislative races in 2008 smashed the old record of \$16.6 million set in the comparable 2004 legislative races. It also was 55 percent higher than the \$13.03 million spent by legislative candidates and groups in the 2006 races ([see Chart 1](#)) and nearly double the \$10.32 million spent just six years earlier, in 2002.

**Chart 1**



Legislative candidate and leadership committees alone spent a record \$13.15 million on the 2008 races, which is 29 percent more than the previous record \$10.18 million spent in the 2006 legislative races and 32 percent more than the \$9.95 million spent in the comparable 2004 legislative races ([see Chart 2](#)).

**Chart 2**



In addition to the \$13.15 million spent by legislative candidates in 2008, WDC reported last December that outside special interest groups led by the Wisconsin Education Association Council, the Coalition for America's Families, the Greater Wisconsin Committee and All Children Matter spent a record \$7.1 million to harass voters and drown out the candidates in key races, including more than \$1 million in the hotly contested 47 th Assembly District contest. For more information about these outside groups and their activities please check out our [Hijacking Campaign 2008](#) feature.

The 2008 legislative spending total does not include spending from 18 campaign finance reports, many of which were due February 2 and some as far back as last fall despite repeated informal requests and a first-ever Open Records request by the Democracy Campaign asking the Government Accountability Board to produce paper copies or electronic versions of reports for the public to view. The problem is a new electronic reporting system the board began using last fall that has been fraught with problems. Dozens of reports filed on it and reviewed by the Democracy Campaign earlier this year contained inaccurate fundraising and spending totals and cash balances, incorrectly identified expenditures and contributors and contributions listed more than once.

The Democracy Campaign analysis of the legislative fundraising and spending reports also found:

- The four legislative campaign committees, which are used by Senate and Assembly Republican and Democratic legislative leaders to raise large amounts of special interest cash to spend on key races at election time, spent a record \$1.3 million. The previous record spending was \$1.25 million set in the 2006. The four campaign committees also set a fundraising record in 2008 – topping \$1 million for the first time.

Legislative Campaign Committee	2008 Fundraising	2008 Spending
Assembly Democratic Campaign Committee	\$625,729	\$641,802
State Senate Democratic Committee	\$275,451	\$434,740
Republican Assembly Campaign Committee	\$109,829	\$91,044
Committee To Elect A Republican Senate	\$84,418	\$137,167
<b>TOTAL</b>	<b>\$1,095,427</b>	<b>\$1,304,753</b>



- Winning candidates substantially outspent losing November ballot candidates. The 115 winners of the 99 Assembly and 16 Senate seats up for election spent \$6.35 million, compared to \$4.16 million by the 87 candidates who lost. These totals do not include complete 2008 spending for five losing candidates and four winning candidates because not all of their 2008 campaign reports were available from the Government Accountability Board. The four winning candidates with incomplete 2008 spending totals are incumbent Democratic Representatives Tamara Grigsby, Annette Williams and Christine Sinicki and Republican Representative Scott Newcomer.
- Eighty-seven percent – or 100 of 115 – of the legislative races were won by the candidate on the November ballot who spent the most money. Only one of the 16 Senate seats and 14 of the 99 Assembly seats were won by the candidate who spent the least.
- An increasing number of legislative races are becoming more expensive. In 2008, 27 candidates spent more than \$100,000 in their bid for the Senate or Assembly, compared to 19 candidates in the comparable 2004 elections and 14 candidates in 2000. There were 15 races – nine in the Assembly and six in the Senate – in which the candidates collectively spent more than \$200,000, including the Senate 8th District race in which the two candidates spent a combined \$1.2 million.

The race for the Senate 8th pitted incumbent Republican Senator Alberta Darling against Democratic Representative Sheldon Wasserman. Both Wasserman and Darling smashed the old spending record by a legislative candidate in a special election or in a regular election year. Democratic candidate Alex Paul spent \$450,664 in an unsuccessful bid in the 2003 special election for the 24th Senate District seat and Republican Senator Sheila Harsdorf spent \$409,279 to win her 10th Senate District seat in the 2000 elections. Wasserman spent \$722,333 in an unsuccessful attempt to unseat Darling who spent \$479,076 in 2008. In addition, outside special interests spent about \$52,000 led by the pro-Democratic Advancing Wisconsin and the state's largest business group, Wisconsin Manufacturers and Commerce, which supported Darling.

In addition, the record for the most ever spent in a regular election year by an Assembly candidate – \$221,403 in 2004 by former Republican Assembly Speaker John Gard – was eclipsed by Democratic candidate Dan Kohl, who spent \$311,709 and lost in the primary for the 22nd Assembly District seat.

A complete list of the legislative candidates and the amount they spent in 2008 is available.

- Numerous Assembly and Senate races cost several hundred thousand dollars – in addition to the most expensive Assembly 47th District contest which approached \$1.4 million – when candidate and special interest spending is combined.

In the Assembly 47th 10 special interest groups spent more than \$1 million on mostly negative broadcast ads and mailings – tripling the \$345,843 spent by the initial field of seven candidates which was pared in the primary to Democrat Trish O'Neil who spent \$146,275 and Republican Keith Ripp, who spent \$125,934 and won.

The most expensive legislative race in state history was the 10th Senate District

race in 2000 between Harsdorf and incumbent Democrat Alice Clausing. An estimated \$3 million was spent, with outside groups accounting for more than \$2 million of the total.

Two other races likely cost between \$900,000 and \$1 million each. The open Senate 12th District seat pitted Republican Tom Tiffany against Democrat Jim Holperin, who won. The candidates spent a combined \$610,736 and outside special interests kicked in about \$350,000 more. In the Assembly 68th District contest between incumbent Republican Terry Moulton and Democrat Kristen Dexter, who won, the candidates spent \$269,466 but special interests led by the state's politically powerful teachers union, the Wisconsin Education Association Council, spent around \$700,000.

Races in which candidates and special interests spent at least \$800,000 include the Assembly 43rd District contest between Republican challenger Debi Towns and incumbent Democrat Kim Hixson, who won, and the Senate 32nd District contest between Democratic challenger Tara Johnson and incumbent Republican Dan Kapanke who won.

Other races whose total spending hovered between \$400,000 and \$650,000 include the Assembly 96th between Democrat Dale Klemme and incumbent Republican Lee Nerison, who won; the Senate 18th between Democrat Jessica King and Republican Randy Hopper, who won; the open Assembly 57th between Republican Jo Egelhoff and Democrat Penny Bernard Schaber, who won; and the Assembly 80th between Democrat John Waelti and incumbent Republican Brett Davis, who won.

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Candidates Listed Alphabetically

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Posted: June 1, 2009

## **Candidate Finance Reports Still Unavailable To Public After Four Months**

*WDC files open records request for nearly two dozen reports*

**Madison** - The Wisconsin Democracy Campaign filed an open records request Monday for campaign finance reports for 22 legislative candidates and officeholders that are still unavailable to the public four months after they were due.

In addition, there are still no 2008 year-end reports posted on the Government Accountability Board's new electronic filing system for 14 other legislative candidates, including Assembly Speaker Michael Sheridan, who apparently submitted reports to the board because WDC was able to obtain some information upon request.

The reports subject to WDC's open records request cover fundraising and spending in the last few months of 2008, including the two weeks leading up to the November 4 general election when many candidates raise and spend most of their money.

The campaign finance reports were supposed to be posted on the Government Accountability Board's electronic filing system on or before February 2. The open records request – the first WDC has ever had to file for these types of records – asks the board to produce the reports or fine the candidates for not filing the reports.

The Democracy Campaign may pursue a court order to require the board to release the reports if its open records request fails to produce them in a timely manner.

The main purpose of electronic filing was to allow the public access to these reports which shows how much the candidates raise and spend. The reports are an important picture of a candidate's campaign lifeline because the reports identify the special interests that candidates get their money from.

However, the board's new electronic filing system unveiled last year has been plagued with problems. Numerous candidates have complained it is difficult to use and dozens of reports filed on it and reviewed by WDC at the beginning of the year contained erroneous fundraising and spending totals, contributions listed two or three times and expenses that were incorrectly identified.





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Kevin Kennedy  
Director and General Counsel  
Government Accountability Board  
212 E. Washington Ave.  
Madison, WI 53707

June 1, 2009

Dear Mr. Kennedy,

This is a letter filed under provisions of Wisconsin's Open Records Law, secs. 19.31-39 Wis. Stats.

The Wisconsin Democracy Campaign requests January 2009 continuing campaign finance reports that were due February 2, 2009 for the attached list of 2008 legislative candidates.

You are required to fill our request or respond in writing with the reasons for your refusal "as soon as practicable and without delay."

In the event you find that any or all of these candidates failed to file their reports when they were due we request that the board investigate, require them to submit reports and levy penalties for filing late reports.

If you have any questions, please call me at 608-255-4260.

Thank you in advance for your help.

Sincerely,

Mike McCabe  
Executive Director  
Wisconsin Democracy Campaign

**Legislative Candidates Whose 2009 January  
Campaign Finance Reports Are Unavailable**

<b>GAB Candidate ID</b>	<b>Candidate</b>	<b>District*</b>	<b>Party**</b>
100428	Annette Polly Williams	A10	D
103687	Christine Sinicki	A20	D
103950	Scott Newcomer	A33	R
104335	Tamara Grigsby	A18	D
104477	Randy Koehn	A89	D
104527	Paul Tubbs	A34	D
104566	David Nickel	A15	R
104585	Perry Duman	A60	D
104605	Cecil Streeter	A53	R
104632	Tara Johnson	S32	D
104641	Tim McCumber	A47	R
104736	Remy Ceci	A91	D
104750	Justin Krueger	A03	D
104758	Laura Manriquez	A08	D
104767	Dennis Seevers	A70	R
104703	Torrey Lauer	A24	D
104742	Michael Moscicke	A24	R
104683	Mary Tripp	A73	D
104685	Dennis Hruby	A47	I
104687	Jess Kufahl	A85	R
104700	Jason LaSage	A24	R
104701	John Laubmeier	A81	D

\* A-Assembly, S-Senate

\*\* D-Democrat, R-Republican, I-Independent

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Posted: February 5, 2009

## **New Campaign Finance Reporting System Hurting Public Access to Accurate Information**

*More than \$303,000 in contributions,  
expenses wrongly identified in two committee reports*

**Madison** - A new electronic campaign finance reporting system is generating inaccurate fundraising and spending reports for some state candidates and political committees, the Wisconsin Democracy Campaign has found.

In two instances \$178,454 in committee contributions and other income and \$124,815 in staff wages, office supplies and other expenses were attributed to the Government Accountability Board in campaign finance reports filed this week by the State Senate Democratic Committee and the Assembly Democratic Campaign Committee – two prolific legislative fundraising committees.

The board is the state's ethics, elections and campaign finance law enforcement agency that launched the new filing system last fall, not the source of the committees' contributions or expenses.

In two cases, contributions downloaded from earlier campaign finance reports filed by Democratic Assembly candidates Dan Kohl and Chris Buckel did not match the contribution totals listed on reports generated by the new system for the candidates.

In addition to the erroneous reports, WDC has heard numerous complaints in recent weeks by legislators and others who claim the system is difficult to use and its launch was ill-timed – in the middle of a busy election year.

Campaign finance reports produced by the new system also may list incorrect or old information for contributors because the system's database automatically supplies contributor addresses after a filer types in the contributor's last name rather than requiring the filer to enter the information they have about the contributor.

The new system also compounds erroneous contributor information. When a candidate gives the system's database incorrect information about a contributor it will continue to appear that way in subsequent candidates' reports unless it is corrected.

Currently, the new system does not provide year-to-date contribution totals

for those who give multiple contributions.

The campaign finance reports also are likely to inaccurately identify the occupations of contributors because filers are required to choose from a list of occupational codes that does not always have options that accurately describe the occupations of some contributors.

Finally, users of the new system are not required to file traditional paper copies of their reports with the board that could be used to check and back up electronically filed reports.

“This new system was supposed to make the reporting of campaign fundraising and spending easier and enhance public access to this information. But the way it is working today, it is doing the opposite. In its current form, it represents a step backward,” Democracy Campaign director Mike McCabe said.

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*Pushing Democracy Since 1995*

Posted: March 4, 2009

## New Campaign Finance Reporting System Shows Erroneous Reports For Doyle, Others

**Madison** - Campaign finance reports posted on a new state electronic reporting system for Governor Jim Doyle and other statewide officeholders, legislators and political action committees are riddled with erroneous information, a review by the Wisconsin Democracy Campaign shows.

WDC reviewed about four dozen campaign finance reports for candidates and political action committees from 2006 to present and found nearly all had erroneous information including incorrect cash balances and spending and fundraising totals. In addition, campaign expenses including travel, staff payroll, political advertising, postage and printing are described as "data conversion" in reports being put on the new system from July 2008 and before.

The original 368-page campaign finance report filed by Doyle last July showed individual and committee contributions and other income totaling \$906,000 and expenditures totaling \$234,090 for the first six months of 2008. ([See original July 2008 summary page.](#))

A version of that same report on the new electronic reporting system is only nine pages and shows Doyle's campaign raised only \$2,959 in the first six months and \$624,895 for the year. Both totals, which should be identical, are wrong. The report also shows Doyle spent nothing in the first six months and \$292,175 for the year – again both figures should be the same but both are wrong. ([See July 2008 summary page from GAB's new campaign finance reporting system.](#))

Doyle's year-end 2008 report on the new reporting system was also incorrect because it showed he raised \$624,895 for the entire year. Doyle actually raised more than \$1.5 million last year. ([See January 2009 summary page.](#))

In addition to Doyle, campaign finance reports available on the new electronic system for many other candidates and PACs also contain erroneous spending, fundraising and cash balance figures and other information, including:

- A July 2006 campaign finance report for Attorney General J.B. Van Hollen shows he only raised \$70,000 – a one-time contribution from himself – and spent nothing in the first half of 2006. His original report shows contributions and other income totaling \$468,892 – including two loans of \$175,000 each from Van Hollen to his campaign – and expenses totaling \$95,799.

- PAC reports for the Wisconsin Education Association Council, the state's largest teachers union and one of the state's highest spending PACs, and the Greater Wisconsin Committee contained numerous errors.

WEAC PAC's July 2008 report shows it was broke with a negative cash balance of \$456,466. Its correct cash balance was \$2.56 million. The new system's report also showed WEAC raised \$421,693 and spent \$3 million in the first six months. The PAC actually raised \$1.02 million and spent \$548,077. Finally, all of its expenses were described as "data conversion," including \$349,325 it spent on a controversial television ad in the 2008 Supreme Court race.

The Greater Wisconsin Committee's July 2008 PAC report on the new reporting system shows it raised \$280,450 and spent \$300,630 and ended the first six months of the year with a negative cash balance of \$73,824. The PAC's original reports showed it raised \$74,700 and spent \$112,839 and ended the first six months of 2008 with a balance of \$4,185. The report on the new system also wrongly described as "data conversion" four expenditures totaling \$101,822 for negative advertising in last spring's Supreme Court race.

- A July 2008 campaign finance report for Democratic Assembly Majority Leader Tom Nelson shows two different fundraising totals for the first six months of the year – \$39,364 for the six-month period and \$48,270 for the year – figures which should be the same. It also shows two different expense totals – \$7,889 for the six-month period and \$17,240 for the year – that should be the same. All of Nelson's expenses, including fundraising, printing and bank charges, are classified as "data conversion." Nelson's original electronic report filed last July shows he raised \$39,414 and spent \$7,689 in the first six months of 2008. Finally, the ending cash balances on both reports differ by \$49,000. The original report he filed shows a cash balance of \$80,617 while the report generated by the new electronic reporting system shows a cash balance of \$31,475.
- Two campaign finance reports on the new system for Republican Representative Jim Ott show fundraising and spending totals for 2007 that are triple the totals listed in his original reports because many contributors and expenditures were listed three times. All of the expenses listed in the reports are erroneously categorized as "data conversion" including postal, retail, credit card and hotel expenditures.
- A July 2008 report generated by the new system for Republican Senator Mike Ellis shows no fundraising or income for the first six months of 2008, \$4,510 in expenses and a negative cash balance of \$4,510. Ellis' original report filed last July lists \$4,711 in interest income, \$11,179 in expenses and contributions to committees and a cash balance of \$204,534 – one of the largest among the state's 132 legislators. Like the others, all of Ellis' expenses are described as "data conversion."
- July 2008 reports generated by the new system for the two top Republican legislative leaders – Senate Minority Leader Scott Fitzgerald and Assembly Minority Leader Jeff Fitzgerald – both contained different fundraising and spending totals than the electronic reports they filed in July. The reports on the new electronic filing system also contained substantially higher year-to-date

fundraising and spending totals than those listed for the six-month period even though the totals should match. In addition, the June 30, 2008 cash balance on Jeff Fitzgerald's original report was \$51,345 but the report on the new filing system showed a cash balance for the same period of \$4,203. Scott Fitzgerald's ending cash balance last June was \$10,550 but the report for the same period on the new filing system listed a negative cash balance of \$8,127.

- In a campaign finance report filed last October on the new electronic system by MTI Voters – the Madison teachers union PAC – expenditures were inflated by \$17,004 because 12 expenses for newspaper ads totaling \$3,504 and 27 contributions of \$500 each were each listed twice in the report.

Finally, 2008 year-end campaign finance reports due February 2 as well as basic fundraising and spending totals for more than two dozen legislative candidates are not yet available on the Government Accountability Board's reporting system or upon request.

In the past most paper and electronically filed campaign finance reports were available within two or three days after they were due. And basic fundraising, spending and cash balance totals culled from those reports were usually available a week to 10 days after the reports were due.

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